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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,394	08/05/2003	Farhad Khosravi	702563.4008	1183

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EXAMINER

HO, UYEN T

ART UNIT PAPER NUMBER

3731

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,394

Applicant(s)

KHOSRAVI ET AL.

Examiner

(Jackie) Tan-Uyen T. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/24/05 have been fully considered but they do not place the application in condition for allowance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 29, 30, 31, 34-36, 38, 40, 41 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Cottenceau et al. (5,897,589). Cottenceau et al. disclose a tubular graft (54), support members (middle rings 38 or 43), a set of fasteners (57a, b, e). The introductory statement of intended use and all other functional statements, for example, "slidably securing" and "may slide axially" have been carefully considered but are deemed not to impose any structural limitations on the claims distinguishable over the Cottenceau et al.'s device which is capable of being used as claimed if one desires to do so.

In regarding to claim 30 and 31, two coil stents attached at the proximal and distal end of the graft. In a broadest reasonable interpretation, the coiled stents at both

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end of the graft are considered as coiled-sheet stent, the coiled stent forming into a circular ring or zigzag sheet.

In regarding to claims 34 and 35, a plurality of support elements (rings 38 or 43), each first fastener slidably secures at least two axial segments of adjacent support elements (figs. 10 and 12) Although, Cottenceau et al. do not clearly disclosed that the two axial segments independently slide axially with respect to the respective first wall region, with respect to the way Cottenceau et al. disclose how the sutures (57) attaching the support members to the graft, it is inherent that the two axial segments independently slide axially with respect to the respective first wall region.

In regarding to claim 36, the fasteners are sutures or wires.

In regarding to claim 38, the support elements inherently have a contracted configuration for facilitating introduction and expanded configuration for support graft in an open condition.

In regarding to claims 40 and 41, the graft is made from nylon or Dacron.

In regarding to claim 43, the support elements are attached to an exterior surface of the tubular graft (figs 8-12).

4. Claims 29, 30, 34,36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Chevillon et al. (6,248,116). Chevillon et al. disclose a first set of fasteners securing struts of supporting elements/stents to a graft and a second set of fasteners securing curve sections between struts (fig. 9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32,33, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cottenceau et al. ' 589. Although, Cottenceau et al. do not disclose a stent being self-expanding and including hooks and porthrombotic material on an exterior surface, it is known in the art to stent being made from self-expanding material for supporting a graft, and stent at two end of the graft having hooks to anchor the graft to the vessel wall as well as to coat the stent and the graft with drug material for treating the vessel site. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Cottenceau et al. reference by having the stent at two end of the graft and support elements being made from self-expanding in order to self-expanding and support the graft in a body lumen/vessel and the stent including hooks for anchoring the graft to the vessel wall and stent-graft coated with drug for treating an aneurysm or a defect vessel wall.

7. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cottenceau et al. in view of Chevillon et al. (6,248,116). Although, Cottenceau et al. do not disclose a second fasteners that secure the stent and support elements to a graft at a location as claimed. Cottenceau et al. disclose a stent attached to a graft with a first set of suture loops attached at the struts of the stent and second suture loop (fig. 9)

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attached at a curve section between the struts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a suture loop at the curve section between the struts in order to further secure the stent/support elements to the graft.

Conclusion

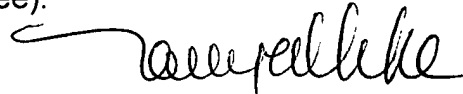
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chevillon et al. (6,248,116) disclose suture loops attached the stent structure to a graft.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Jackie) Tan-Uyen T. Ho whose telephone number is 571-272-4696. The examiner can normally be reached on MULTIFLEX Mon. to Sat..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANHTUAN NGUYEN can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



(Jackie) Tan-Uyen T. Ho
Patent Examiner
Art Unit 3731

April 8, 2005